

## **103 KAR 15:050. Filing dates and extensions.**

RELATES TO: KRS 131.081(11), 131.170, 136.100, 141.042, 141.160, 141.170, 141.300

STATUTORY AUTHORITY: KRS 131.130(1), 141.042(6), 141.050(4), 141.300(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.081(10), 131.170, 141.042(6), and 141.170 authorize the Department of Revenue to grant a taxpayer an extension of time to file a tax return or to pay an installment of estimated income or limited liability entity tax. This administrative regulation establishes the procedures to be used by an individual, a corporation, or a noncorporate entity to obtain an extension of time to file an income or limited liability entity tax return or to pay an installment of estimated income tax for a taxable year.

Section 1. Definitions. (1) "Corporation" means a corporation as defined in KRS 141.010(24), an S corporation as defined in KRS 141.010(27), a limited liability company taxed as a corporation, or other entity taxed as a corporation for Kentucky income tax purposes.

(2) "Date prescribed by KRS 136.100 or 141.160" means the 15th day of the fourth month following the close of the taxable year.

(3) "Noncorporate entity" means a partnership, a limited liability company treated as a partnership, a trust, a fiduciary, or other entity not taxed as a corporation for Kentucky income tax purposes.

Section 2. An Extension of Time for Filing an Income or Limited Liability Entity Tax Return. (1) Pursuant to KRS 131.081(11) and 141.170, a taxpayer may obtain an extension of time for filing a Kentucky income tax return by means of either a federal extension or a Kentucky extension.

(2) Federal extension.

(a) A taxpayer granted an extension of time for filing a federal income tax return shall be granted the same extension of time for filing a Kentucky income tax return for the same taxable year if a copy of the federal extension approval or request for an automatic extension is attached to the Kentucky income tax return when it is filed.

(b) An extension of time for filing a Kentucky income tax return granted pursuant to this subsection shall be valid for the extension period granted by the Internal Revenue Service.

(c) A copy of the federal extension shall not be mailed to the department on or before the date prescribed by KRS 141.160, except as provided in Section 3 of this administrative regulation.

(3) Kentucky extension. A taxpayer may file an application for extension with the department, on or before the date prescribed by KRS 141.160 for filing the return.

(a) An individual or a noncorporate entity shall file an "Application for Extension of Time to File Individual, General Partnership and Fiduciary Income Tax Returns for Kentucky", Revenue Form 40A102.

1. An individual or a noncorporate entity shall state the reason for the request on the application for extension. Inability to pay the tax liability shall not be a valid reason.

2. An individual or a noncorporate entity shall be notified by mail if the application for extension is denied. A copy of an approved application for extension shall not be returned to the individual or noncorporate entity.

3. In accordance with KRS 141.170, an individual or a noncorporate entity shall be granted an extension of time to file for six (6) months unless the application for extension is denied.

4. In accordance with KRS 141.170, an individual outside the United States shall be granted an extension of time to file for twelve (12) months unless the application for extension is denied.

5. A copy of the signed and dated application for extension shall be attached to the income tax return when it is filed.

(b) A corporation shall file an "Extension of Time to File Kentucky Corporation/LLET Return", Revenue Form 41A720SL.

1. A corporation shall be granted an extension of time to file for six (6) months.

2. A copy of an approved application for extension shall not be returned to the corporation.

3. The extension shall become valid when mailed to the department on or before the date prescribed by KRS 141.160 for filing the return.

4. The corporation shall attach a copy of the signed and dated application for extension to its "Kentucky Corporation Income Tax And LLET Return", Revenue Form 71A720, when it is filed.

(4) An extension of time for filing a mandatory nexus consolidated income tax return shall constitute an extension of time for filing for each member of the affiliated group.

(5) An extension of time for filing a corporation income tax return shall constitute an extension of time for filing a limited liability entity tax return for the same taxable year.

Section 3. Payment of Tax. (1) An extension of time to file an income or limited liability entity tax return shall not constitute an extension of time to pay the tax.

(2) A taxpayer shall determine if an amount of tax remains unpaid on or before the date prescribed by KRS 136.100 or 141.160 for filing the return.

(3) If tax remains unpaid, a check for the amount of the unpaid tax shall be submitted to the department on or before the date prescribed by KRS 136.100 or 141.160 for filing the return along with the Kentucky extension or a copy of the federal extension.

(4) A corporation shall write its Kentucky Account Number in the upper right hand corner of the federal extension submitted.

(5) An affiliated group filing a mandatory nexus consolidated income tax return and making a payment of tax with the application for extension shall file a Kentucky extension to ensure the proper processing of payments.

Section 4. Interest and Penalties. (1) Statutory interest shall be paid from the date prescribed by KRS 136.100 or 141.160 for filing the return until the tax is paid.

(2) If the envelope bearing the return is postmarked on or before the filing date, the late filing penalty prescribed by KRS 131.180 shall not apply.

Section 5. Extension of Time to Pay Estimated Income Tax. (1) A request for an extension of time to pay an installment of estimated tax prescribed by KRS 141.042 and 141.300 shall be submitted to the Department of Revenue, Frankfort, Kentucky 40620.

(2) The request shall state a basis for the extension.

(3) An extension of time to pay an installment of estimated tax shall be granted for thirty (30) days under exceptional circumstances.

(4) Interest shall be paid from the due date of the installment of estimated tax until the tax is paid.

Section 6. The forms and materials listed herein may be obtained or inspected, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40601, on the department website at <http://revenue.ky.gov>, or at a Kentucky Department of Revenue Taxpayer Service Center during hours of operation. (IG-5-1; 1 Ky.R. 328; eff. 2-5-1975; Am. 9 Ky.R. 1151; eff. 5-4-1983; 13 Ky.R. 26; eff. 8-12-1986; 24 Ky.R. 388; 853; eff. 9-25-1997; 44 Ky.R. 1089, 1493; eff. 2-2-2018.)